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Attorneys for Plaintiff
K.S., a minor, by and through her parents, P.S. and M.S.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.S., a minor, by and through her parents,
P.S. and M.S.,

Plaintiff,

v.

FREMONT UNIFIED SCHOOL
DISTRICT,

Defendant.

Case No. C06 7218 SI (JL)

**JOINT REQUEST FOR A CONTINUANCE
OF THE APRIL 6, 2007 SETTLEMENT
CONFERENCE AND ~~PROPOSED~~ ORDER**

Complaint Filed: Nov. 21, 2006

**JOINT REQUEST FOR A CONTINUANCE OF
SETTLEMENT CONFERENCE DATE**

On March 6, 2007, the parties attended an Initial Case Management Conference before the

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Honorable Susan Illston. In that Conference, Judge Illston indicated that she would refer this case for a settlement conference to be held in May 2007. This is reflected in subsequent minute order, which states: "[T]his case shall be referred to a magistrate-judgment [sic] for settlement purposes. The settlement conference shall occur in May 2007." A true and correct copy of Judge Illston's order is attached hereto as Exhibit A.

On March 28, 2007, at or about 4:39 p.m., the parties received via the Electronic Case Filing ("ECF") system a Notice of Settlement Conference and Settlement Conference Order ("Order") scheduling the settlement conference for April 6, 2007 at 10:00 a.m. Attached hereto is a true and correct copy of the ECF transmittal email and Order. The Order provided the parties with only 9 days notice of the settlement conference. Further, the Order directed each party to submit a confidential settlement conference statement 7 calendar days prior to the conference, effectively providing each party with less than 48 hours to prepare its statement.

In a conversation with Judge Larson's clerk on March 29, 2007, defendant's counsel's assistant was told that the April 6th date was set by the judge's secretary, and could not be changed until she returned to work. He was told that she might not return until March 30th, the day the statements would be due.

In light of the foregoing, the parties believe that the Order setting the settlement conference for April 6, 2007 was a clerical error. They therefore jointly request that this error be corrected, and that the settlement conference be reset for a date in May 2007 pursuant to Judge Illston's order.

DATED: 3/29/07

MILLER BROWN & DANNIS

By: Moore
ELIZABETH ESTES
AMY R. LEVINE
DAMARA MOORE
Attorneys for Defendant
FREMONT UNIFIED SCHOOL DISTRICT

1 DATED: 3/29/07

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By: 

MANDY G. LEIGH
SARAH J. FAIRCHILD

Attorneys for Plaintiff

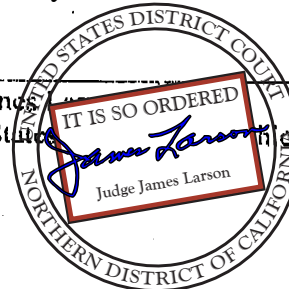
K.S., a minor, by and through her parents, P.S.
and M.S.

ORDER

This matter came before the undersigned Magistrate Judge of the above-entitled court by joint request of the parties for a continuance of the April 6, 2007 settlement conference. Good cause appearing therefor, **IT IS HEREBY ORDERED** the April 6, 2007 settlement conference date is vacated and that the settlement conference shall be reset for a date in May 2007. The Settlement Conference has been continued to May 25, 2007 at 10:00 a.m.

DATED: April 3, 2007

Hon. James
United States



Magistrate Judge